

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Do Denim, LLC,

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08 Civ. 6518

Plaintiff,

-against-

E.K. Denim Group, Inc.,

AFFIDAVIT IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT

Defendant.

-----X

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

Salomon Murciano, being duly sworn, deposes and says:

1. I am the President of Do Denim Inc., plaintiff in the above-referenced lawsuit.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Rules for the

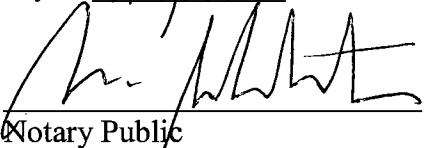
Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant E.K. Denim Group, Inc.

3. I have read the complaint and hereby state that all allegations contained therein are true to the best of my knowledge and, as a result of the defendants conduct, the plaintiff has been damaged.

4. I respectfully request that a default judgment be entered in favor of the plaintiff against the defendant in such an amount as may be determined by this court after a hearing.


Salomon Murciano

Sworn to before me this 10
day of August, 2008


Notary Public

ROBERT A. SCHACHTER
Notary Public, State of New York
No. 02SC4618505
Qualified in New York County
Term Expires May 24, 2011

EXHIBIT “A”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Do Denim, LLC,

08 Civ. 6518
(PKC)

Plaintiff,

-against-

E.K. Denim Group, Inc.,

Defendant.

-----X

DEFAULT JUDGMENT

This action having been commenced on July 22, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the Defendant E.K. Denim Group, Inc., on July 25, 2008 and proof of service having been filed on July 30, 2008 and the Defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is:

ORDERED, ADJUDGED AND DECREED, that:

1. Defendant is liable to Plaintiff for the infringement of Plaintiff's Trade Dress as portrayed in Exhibits "A," "B," and "C" hereto;
2. Defendant and all its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Defendant, or in concert or participation with Defendant, and each of them, are permanently enjoined, from:
 - a. using Plaintiff's Trade Dress as portrayed in Exhibits "A," "B," and "C" hereto, or any other copy, reproduction, or colorable imitation or simulation of Plaintiff's Trade Dress on or in connection with Defendant's goods or services;

b. using any trademark, service mark, name, logo, design or source designation of any kind on or in connection with Defendant's goods or services that dilutes or is likely to dilute the distinctiveness of the Plaintiff's Trade Dress as portrayed in Exhibits "A,"

"B," and "C";

c. passing off, palming off, or assisting in passing off or palming off, Defendant's goods or services as those of Defendant, or otherwise continuing any and all acts of unfair competition concerning Plaintiff's Trade Dress as portrayed in Exhibits "A," "B," and "C"; and

3. Plaintiff has a judgment against Defendant for

a. money damages in an amount to be determined by this Court, plus prejudgment interest in the amount of nine percent (9%) simple interest;

b. based on Defendant's knowing and intentional use of confusingly similar imitations of Plaintiff's Trade Dress, the damages awarded be shall trebled and the award of Defendant's profits be enhanced as provided for by 15 U.S.C. § 1117(a);

c. based on Defendant's willful and deliberate infringement and dilution of Plaintiff's Trade Dress, and to deter such conduct in the future, Plaintiff is awarded punitive damages in amount to be determined by this Court;

d. the costs of this action and Plaintiff's reasonable attorneys' fees pursuant to 15 U.S. C. § 1117(a); and

4. for such other and further relief as the Court deems just and proper.

//

Dated: New York, New York

_____, 2008

U.S.D.J.

This document was entered on the
docket on _____.

EXHIBIT “A”



EXHIBIT “B”

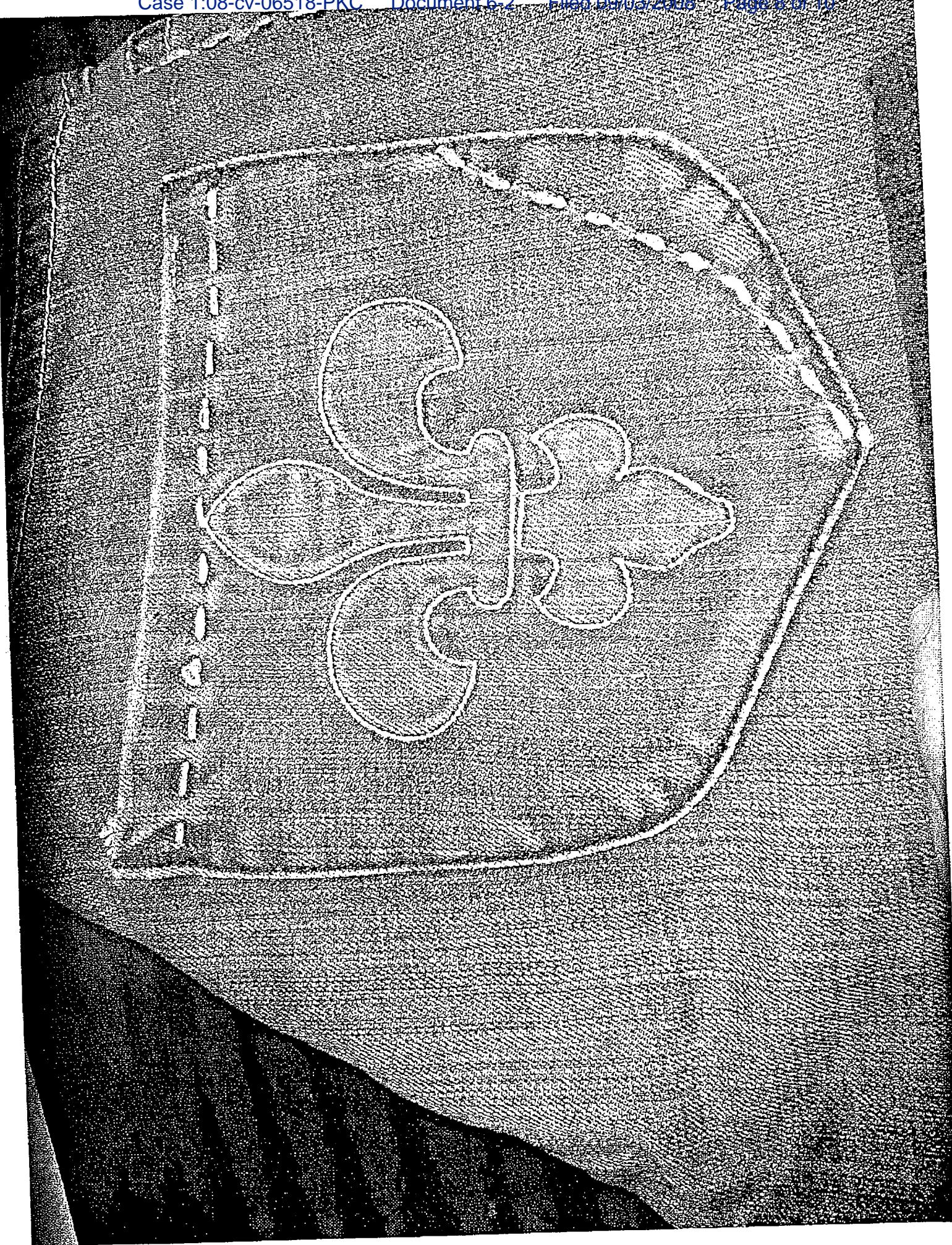


EXHIBIT "C"



EXHIBIT “B”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
08-CV-6518 (RWS)

Do Denim, LLC

Plaintiff,

- against -

CLERK'S CERTIFICATE

E.K. Denim Group, Inc.,

Defendant.

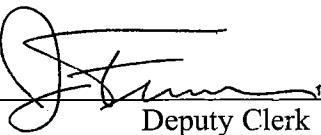
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I, J. MICHAEL MCMAHON, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action commenced on 7/22/2008
with the filing of a summons and complaint, a copy of the summons and complaint was served
on defendant by serving Mr. Herrera, a manager authorized by appointment to accept
service upon Defendant. , and proof of
such service thereof was filed on 7/30/2008.

I further certify that the docket entries indicate that the defendant has not filed an
answer or otherwise moved with respect to the complaint herein. The default of the defendant is
hereby noted.

Dated: NYC, New York
8/5/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk